

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

LISA RICCOBENE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 04-10256 MEL
	)	
MASSACHUSETTS BAY	)	
TRANSPORTATION AUTHORITY,	)	
and ANNE McCALL,	)	
	)	
Defendants.	)	
	)	

**JOINT MOTION TO EXTEND PRE-TRIAL SCHEDULE**

The parties in the above-captioned matter hereby jointly move to extend the Pre-Trial Schedule in this case due to the unavailability of a key witness who is recovering from spinal surgery and will not be available to be deposed for approximately four (4) months. In support hereof, the parties relate as follows.

1. On May 25, 2007, the parties filed with the Court a Joint Motion to Extend the Rule 56 Deadline in this case until June 29, 2007, in order to permit them time to depose someone whom both parties regard as a key witness and who had been unavailable to be deposed due to medical reasons. By Order dated May 29, 2007, this Court allowed the parties Joint Motion.

2. The witness the parties seek to depose is Joan Martin, the former Deputy General Manager of the MBTA who was, among other things, in charge of Human Resources. Aside from the conduct of this single deposition, discovery in this matter is complete.

3. In their Joint Motion, the parties represented that by June 15, 2007, they would

update the Court on the status of their attempts to depose Ms. Martin.

4. Since having filed their Joint Motion on May 25, 2007, the Defendants' counsel has learned that Ms. Martin recently underwent spinal surgery and is presently undergoing rehabilitation. Defendants' counsel has been informed that Ms. Martin will not be healthy enough to be deposed for another four (4) months. It is anticipated, however, that she will have recovered enough to be deposed at that time.

5. The parties recognize that a four (4) month delay is not ideal, and do not request this extension of time for dilatory reasons. The parties request this extension of time because they believe that it is in the interests of justice for Ms. Martin's deposition to be taken before this case proceeds further, and respectfully request that the Court extend the pre-trial schedule to accommodate for this unusual set of circumstances.

6. As such, the parties request that the deadline for filing summary judgment motions be extended up through and including October 31, 2007, and the deadline for opposing summary judgment motions be extended up through and including November 30, 2007. Further, the parties request that they be allowed to conduct Ms. Martin's deposition in the interim, assuming she is medically able to be deposed. The parties will report to the Court on or before October 15, 2007 as to the status of Ms. Martin's deposition.

WHEREFORE, for all the above reasons, the parties request that this motion be granted, and that the pretrial schedule be extended as set forth in Paragraph 6, above. A Proposed Order is attached hereto as Exhibit A.

Respectfully Submitted,

LISA RICCOBENE,

By her Attorney,

LAW OFFICE OF MITCHELL J. NOTIS

*/s/ Mitchell J. Notis*

By: \_\_\_\_\_  
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Respectfully Submitted,

MASSACHUSETTS BAY  
TRANSPORTATION AUTHORITY and  
ANNE MCCALL,

By their Attorney,

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*/s/ Jeffrey A. Dretler*

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